

State of Vermont  
Liquor Control Board  
(Settlement Agreement)

File

TO: MANCHESTER COUNTRY CLUB, INC.  
PO BOX 947, BEECH ST.  
MANCHESTER CENTER, VT.

JUNE 12, 2012

JUNE 13, 2012

You have been notified of a hearing before the Liquor Control Board (LCB) on JUNE 13, 2012 at MONTPELIER, Vermont, to consider the suspension or revocation of your liquor license(s).

Reference is made to Notice of Hearing dated APRIL 30, 2012 with investigative report(s) attached, or to DLC ticket dated 00354.

Based upon your inquiry concerning settlement of the violations alleged against you in the Notice of Hearing, the LCB has agreed to accept a suspension of 15 days duration **ISSUING THIS AGREEMENT AS A LETTER OF WARNING**

If you wish to settle and waive your right to a hearing, then sign and date this letter, and fax the signed and dated letter to:

1. Department of Liquor Control (DLC) Enforcement Division at (802) 828-1031 (fax); and,
2. Jacob A. Humbert, Assistant Attorney General (AAG) at (802) 828-3187 (fax).

Please complete and sign this agreement and fax it to the DLC Enforcement Division no later than two (2) business days before the date of the hearing, in order to ensure that your hearing can be cancelled in a timely manner.

By signing and faxing this letter, you have given the DLC authority to accept your facsimile signature as though it were the original.

If this matter is not settled in the manner set forth, then the settlement offer is null and void and is of no further consequence. The LCB may, after hearing, impose any available penalty, or none at all, depending upon the evidence.

If there are any questions, I can be reached during normal business hours at (802) 658-3586 or by fax at (802) 660-7050.

Very truly yours,

*R. C. Schmucker*

Ronald C. Schmucker, Esq., Attorney to  
the Vermont Liquor Control Board

**THIS AGREEMENT AS A LETTER OF WARNING.**  
I accept the 15 days suspension of my liquor license MANCHESTER COUNTRY CLUB INC.

Dated: JUNE 2012

By: Robert A. Stearns

ROBERT A. STEARNS

Print Name

Duly Authorized Agent



State of Vermont  
Department of Liquor Control  
13 Green Mountain Drive  
Montpelier, VT 05602  
liquorcontrol.vermont.gov

[phone] 802-828-2339  
[fax] 802-828-1031

Michael J. Hogan, Commissioner

June 12, 2012

Joseph J. O'Dea  
3768 Main Street, P.O. Box 286  
Manchester, VT 05254

**FAXED**  
6/12/12

**RE: Manchester Country Club, Inc.**

Dear Licensee:

We have received your request to waive your rights to the **June 13, 2012** hearing and accept a **settlement agreement** of the **First and Third** class liquor licenses of the above named licensee, which includes such **Letter of Warning** issued by the Vermont Liquor Control Board in the matter of violation of General Regulation Number 21(a).

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script, reading "Samara S. Fitzgerald".

Samara S. Fitzgerald, Executive Office Manager  
Education, Licensing & Enforcement Division

cc: Investigator Elmer  
Town of Manchester  
Jacob Humbert, AGO (FAX 828-3187)  
Ron Schmucker, Board Counsel (FAX 660-7050)  
Liquor Control Board

Encl.



**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

**Manchester Country Club, Inc.**  
**P.O. Box 947 Beech Street**  
**Manchester Ctr., VT 05255**

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

*Cynthia A. Herr*☐ Agent☒ Addressee

B. Received by (Printed Name)

*Cynthia A. Herr*

C. Date of Delivery

*5/17/12*Is address different from item 1? ☐ Yes  
If delivery address below: ☐ No

3. Service type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Address

(Tr)

*7010 2780 0000 1854 7892*

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

*5/15/12***SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Address

**Manchester Country Club, Inc.**  
**P O Box 947 Beech Street**  
**Manchester Center, VT 05255**

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly)

*Cynthia A. Herr*

B. Date of Delivery

C. Signature

*Cynthia A. Herr*☐ Agent☐ AddresseeIs address different from item 1? ☐ YesIf delivery address below: ☐ No☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Address

*7010 2780 0000 1854 7886*

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

*5/2/12*



**State of Vermont**  
**Department of Liquor Control**  
13 Green Mountain Drive  
Montpelier, VT 05602  
[liquorcontrol.vermont.gov](http://liquorcontrol.vermont.gov)

[phone] 802-828-2339  
[fax] 802-828-1031

*Michael J. Hogan, Commissioner*

## NOTICE OF HEARING

**RE: Hearing to consider the suspension or revocation of the First and Third Class Licenses granted to Manchester Country Club, Inc., P O Box 947 Beech Street, Manchester Center, Vermont, said licenses being granted to sell alcoholic liquor for on-premise consumption.**

Please take notice that pursuant to the authority vested in the Vermont Liquor Control Board by Title 7, Section 236, Vermont Statutes Annotated, a hearing will be held before the Liquor Control Board at **the Department of Liquor Control, 13 Green Mountain Drive, Montpelier, Vermont on Wednesday, May 30, 2012 at 9:30 a.m.**

The hearing will be held as a formal hearing and will be held to consider the suspension or revocation of the first and third class licenses granted to **Manchester Country Club, Inc., Manchester Center, Vermont**, said licenses being granted to sell alcoholic liquor for on-premise consumption, for alleged violation of General Regulation No. 21(a) of the regulations duly adopted by the Liquor Control Board, which is set forth and specified below.

**General Regulation 21(a):** Corporations and associations which hold liquor licenses shall have prior approval from the Liquor Control Board of any change of directors, officers, managers, or affiliates, and of any change in shares which causes the holdings of any new or existing shareholder, including the holdings of that shareholder's immediate family, to equal ten percent or more of the corporation's or association's voting shares. Notices shall be given in writing to the Liquor Control Board not later than twenty days prior to any change. The Board will consider changes in the same way that new licenses are considered. If changes, other than changes caused by the death of a joint tenant, are concluded without obtaining prior Board approval, in writing, the license shall be subject to suspension or revocation.

*It is alleged that you failed to notify the Liquor Control Board of changes to your corporate Directors/officers at least twenty days prior to the change in corporate directors in violation of General Regulation No. 21(a).*

The Liquor Control Board shall determine whether or not such alleged violations did occur as specified herein.

Pursuant to Title 3, Vermont Statutes Annotated, Section 809(d), the said **Manchester Country Club, Inc.** shall have an opportunity by themselves or through their attorney to appear at said hearing to present evidence and argument on all issues involved in this case and bring before the Liquor Control Board all pertinent facts that the said licensee believes will have a bearing on the issues involved in this case.

All correspondence and documents pertaining to this matter should be sent to the Vermont Department of Liquor Control, 13 Green Mountain Drive, Montpelier, Vermont, 05602, to my attention.

Dated at Montpelier, Vermont, this 30<sup>th</sup> day of April 2012.

**Vermont Department of Liquor Control**

  
**William J. Goggins, Director**  
**Education, Licensing & Enforcement Division**



**Liquor Control Board:**  
*Stephanie M. O'Brien, Chair; Walter E. Freed, Member; John P. Cassarino, Member*

DLC ENFORCEMENT DIVISION  
ADMINISTRATIVE NOTICE OF AGENCY ACTION  
Notice

No. 00354



License Number

1306-001

Corporation Name

DBA

Marshall's C.C. Inc. Marshall's C.C.

Physical Mailing Address

County

P.O. Box 947

City

State

Zip Code

Business Phone

Marquette Cnt. Vt 05253 362-3448

Licensee did then and there commit the following acts  
in violation of V.S.A. Title 7 Provision, or Liquor Board

Regulation:

Gen. Reg. 21 -  
Failure to notify change in ownership  
within 15 days.

WHICH CONSTITUTES A VIOLATION OF:

General Regulation #

TITLE 7 Provision: 7 VSA

☐ Written Warning- No Fines or Penalties  
copy of warning placed in licensee file

☒ See Attached Waiver Fine

☐ Administrative Referral

☐ Hearing

If you plead **DENIED** and the state proves the  
violation, you will forfeit the waiver amount  
and be subject to an administrative referral.

If you plead **ADMITTED** or **NO**  
**CONTEST**, you may pay the waiver  
amount instead of appearing in court.

WAIVER  
AMOUNT

\$ 200.00

Delivered To: Last

First

MI

Date of Birth

Marshall's C.C. Inc. P.O. Box 947

Signature:

☒ M ☐ F

Title:

Marshall's C.C. Inc. P.O. Box 947

The undersigned complains that the Licensee did violate the above identified V.S.A. Title 7 provision, or Liquor Control  
Board Regulation on this day of 20 at county.

Investigator Name:

Investigator Signature:

Investigator #:

Date Served:

Time:

2012 3/21/2012 12:15pm

☒ Hand ☐ USMail

\*Important info about this administrative notice of agency action on reverse side

WHITE: Enforcement; YELLOW: Investigator; PINK: Licensee; Goldenrod: Return with Fine

RETURN WITH  
FINE

**VERMONT DEPARTMENT OF LIQUOR CONTROL  
VIOLATION REPORT**

***LICENSEE: Manchester Country Club, Inc***

***DBA: Manchester Country Club  
Beech Street  
Manchester Center, VT***

***License #: 1306-001***

***VIOLATION(S) ALLEGED: General Regulation # 21 - Any person or persons having a direct or vested financial interest in the business of the licensee must be disclosed on the license application. The licensee must notify the Department no less than 15 days before any intended changes in the ownership of and /or financial interest of any person or entity in the licensed entity can occur. Any such changes not approved by the Department, may place the license in jeopardy and/or may result in administrative penalties after a Board hearing.***

***DATE OF VIOLATION: March 21, 2012***

Days prior to March 21, 2012, I was notified by mail by Laurie Pecor, the licensing technician for liquor control, about a director change that occurred with the Manchester Country Club. I reviewed the paperwork that was mailed to me, which was the 2012 Liquor license renewal application for the corporation. Upon reviewing the paperwork, I noted someone had had written in another director. This was Director #5, Russell Mills.

On March 21, 2012, I arrived at the Manchester Country Club and met with Brian Sherwood, the Food and Beverage Manager of the club. I advised him of why I was there. I then explained to him that our department needed to be notified in advance of any changes to the members or directors. I indicated that we would need a copy of the minutes of the meeting and information on whomever was going to be added and if someone was going to be removed as a member and/or director. Mr. Sherwood advised he was unaware of this, but would provide us with the information and paperwork that we needed. I then completed an administrative ticket (No. 00354) for the violation of regulation #21. This carries a waiver fine of \$200.00.

On March 28, 2012 I checked the Vermont Secretary of State's webpage. The database for the Manchester Country Club Corporation indicates they have four members. The President is listed as Rudy Weaver, Vice President as Jan Horwitz, Carol Hillman as the Secretary and Wayne Hauge as the Treasurer. Russell Mills is not listed anywhere on the page.

***Respectfully Submitted,***

A handwritten signature in black ink, appearing to read "Jason Elmer", written in a cursive style.

*Investigator Jason Elmer*  
*VT. Dept. of Liquor Control*  
*March 28, 2012*

**JOSEPH J. O'DEA, P.C.**

ATTORNEY AT LAW

3768 Main Street

P.O. BOX 286

MANCHESTER, VERMONT

05254-0286

TELEPHONE

**802-362-2240**

FACSIMILE

**802-362-5369**

April 13, 2012

Vermont Department of Liquor Control  
Attn: Samara Fitzgerald  
13 Green Mountain Drive  
Montpelier VT 05620-4501

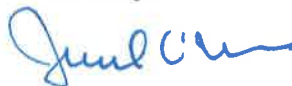
Re: Manchester Country Club  
License #1306-001  
DLC Enforcement Administrative  
Notice of Agency Action #00354

Dear Samara:

As you request I am enclosing the gold copy of the Notice. I also enclose a photocopy of my letter of March 23<sup>rd</sup>, 2012.

I understand our appeal will be set for hearing after review by the Commissioner.

Sincerely,



JJO'D:c

Enclosures

C: Manchester Country Club, Attn: Cindy



**JOSEPH J. O'DEA, P.C.**  
ATTORNEY AT LAW  
3768 Main Street  
P.O. BOX 286  
MANCHESTER, VERMONT  
05254-0286

TELEPHONE  
**802-362-2240**

FACSIMILE  
**802-362-5369**

March 23, 2012

Vermont Department of Liquor Control  
13 Green Mountain Drive  
Montpelier VT 05620-4501

Re: Manchester Country Club  
License #1306-001  
DLC Enforcement Administrative  
Notice of Agency Action #00354

Dear Sirs:

I represent Manchester Country Club and write in that capacity. On March 21<sup>st</sup>, 2012 your investigator issued a Notice of Violation to Manchester Country Club citing General Regulation #21.

We object to the Notice and deny that we are in violation.

Manchester Country Club is a non-profit corporation. None of the directors or officers of the corporation have a direct or vested financial interest in the business of Manchester Country Club. At our annual meeting in August of each year we elect directors and from time to time the persons sitting on our Board change at that annual meeting. However, none of those directors have a vested financial interest in the Country Club. Given the fact that we are a non-profit entity and there is no vested financial interest of any member in the assets of the Club and the fact that reelection of directors to our Board annually does not result in a change of ownership nor a change of the financial interest of any person or entity licensed, we do not believe that we are in violation of General Regulation #21.

I would appreciate your advice if you need more from me and I thank you for your assistance in this matter.

Sincerely,



JJO'D:c

Enclosure – copy of Notice 00354

C: Manchester Country Club, Attn: Cindy

**JOSEPH J. O'DEA, P.C.**

ATTORNEY AT LAW

3768 Main Street

P.O. BOX 286

MANCHESTER, VERMONT

05254-0286

TELEPHONE

802-362-2240

FACSIMILE

802-362-5369

March 23, 2012

Vermont Department of Liquor Control  
13 Green Mountain Drive  
Montpelier VT 05620-4501

Re: Manchester Country Club  
License #1306-001  
DLC Enforcement Administrative  
Notice of Agency Action #00354

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I would appreciate your advice if you need more from me and I thank you for your assistance in this matter.

Sincerely,



JJO'D:c

Enclosure – copy of Notice 00354

C: Manchester Country Club, Attn: Cindy



DLC ENFORCEMENT DIVISION  
ADMINISTRATIVE NOTICE OF AGENCY ACTION  
Notice



No. 00354

License Number

1301610101

Corporation Name

Manchester C.C. + INC DBA Manchester C.C.

Physical Mailing Address

P.O. Box 947 Beech St. County

City

Manchester Ct. State Zip Code Business Phone  
Vt 05255 302-3148

Licensee did then and there commit the following acts  
in violation of V.S.A. Title 7 Provision, or Liquor Board  
Regulation: Gen. Reg. 21-

Failure to notify change in ownership  
Directors within 15 days.

WHICH CONSTITUTES A VIOLATION OF:

General Regulation #

21

TITLE 7 Provision: 7 VSA

☐ Written Warning- No Fines or Penalties  
copy of warning placed in licensee file

☒ See Attached Waiver Fine

☐ Administrative Referral

☐ Hearing

If you plead DENIED and the state proves the  
violation, you will forfeit the waiver amount  
and be subject to an administrative referral.

If you plead ADMITTED or NO  
CONTEST, you may pay the waiver  
amount instead of appearing in court.

WAIVER  
AMOUNT → \$ 200.00

Delivered To: Last

Shirley Biran J. Date of Birth

Signature:

[Signature] M O F Title: President/Bar Manager

The undersigned complains that the Licensee did violate the above identified V.S.A. Title 7 provision, or Liquor Control  
Board Regulation on this 2 day of Nov 2012 at Manchester County.

Investigator Name:

Steven E. [Signature]

Investigator #:

2012 Date Served: 3/21/2012 Time: 12:15pm

☒ Hand ☐ USMail

\*Important info about this administrative notice of agency action on reverse side

WHITE: Enforcement; YELLOW: Investigator; PINK: Licensee; Goldenrod: Return with Fine

RETURN WITH  
FINE

Manchester Country Club, Inc